

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

No. 4:10-CR-00042-F

No. 4:11-CV-00191-F

CODY HARRIS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

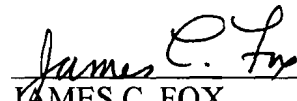
ORDER

Having conducted an examination of petitioner's motion [DE-40] pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings, and it appearing that dismissal is not warranted at this time, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 Motion to Vacate, Set Aside or Correct Sentence, within **forty (40)** days of the filing of this order.

The court notes that the petition was filed by appointed counsel pursuant to Standing Order No.11-SO-3 (E.D.N.C. Oct. 18, 2011), because the petitioner has raised challenges based on the recent decision of United States v. Simmons, 649 F.3d 237 (4th Cir. 2011).

SO ORDERED.

This, the 10th day of November, 2011.


JAMES C. FOX
Senior United States District Judge